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20/028 7590 03/17/2010 Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468				
EXAMINER MCLEAN, NEIL R				
ART UNIT 2625		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

info@patlawfirm.com

# Office Action Summary

**Application No.**

10/802,351

**Applicant(s)**

PAYNE, STEPHEN R.

**Examiner**

Neil R. McLean

**Art Unit**

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 December 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,6-21 and 25-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-21 and 25-40 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. Claims 1, 2, 6-21, and 25-40 are pending in this application.  
Claims 3-5 and 22-24 were previously cancelled.

### ***Response to Arguments***

2. Applicant's arguments with respect to Claims 1, 2, 6-21, and 25-40 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 6-7, 10-15, 18-20, 25-26, 29-34, and 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier (US 2002/0122205) in view of Collier et al. (US 2003/0051210) hereinafter 'Collier'.

Regarding Claim 20: (Previously Presented)

Gauthier discloses a printer (12 in Figure 1) having a configurable template, comprising:

memory for storing received template attributes (e.g., print attributes are added to the 'stack' of the printer's Postscript Interpreter 14 which define how data is to appear on a page [0028]) and received print data (e.g., the data in the file 11 which is to appear in the printed document that is enclosed in parentheses is also sent to the printer's Postscript Interpreter; [0029]);

a processor for:

creating a template from the template attributes in response to the received print data (The template is completed when all of the static text and graphic data is incorporated and saved in Template Database 28; [0036]); and

merging (Merge Task 16) the print data into the template to create a composite image (Merge Task 16 combines all the data and creates a Merge File 20; [0038]); and

printing means for printing the composite image on a substrate (The page is output for printing; 29 of Figure 1; [0043]).

Gauthier discloses that the creating a template from the template attributes in response to the received print data and the merging of the print data into the template to create a composite image both occur within the printer ([0024]). The Examiner notes that there are processes taking place within the printer, Gauthier however does not disclose expressly a processor within the printer that performs these process steps. Collier discloses a processor (103 of Figure 1) within a printer that performs a variety of steps (Figure 2; e.g. parsing, merging and rendering of data). Gauthier and Collier are from the same field of endeavor of image processing, e.g. both references disclose methods of merging data into a template. At the time of the invention, it would have

been obvious to a person of ordinary skill in the art to use a processor to perform a number of automated steps within a printer. The suggestion/motivation for doing so is to reduce the transmission of data from an external source, and to not have to repeatedly send the same data, when that data can be combined by a processor residing in the printer. Therefore, it would have been obvious to combine Collier's processor within a printer with Gauthier's creating a template from the template attributes in response to the received print data and the merging of the print data into a template to create a composite image within the printer to obtain the invention as specified to save processing time and bandwidth.

Regarding Claim 22-24: (Cancelled)

Regarding Claim 25: (Original)

Gauthier further discloses the printer in accordance with claim 20, wherein:  
the template attributes are provided by a host system (workstation 10) associated with the printer (As shown in FIG. 1, the attributes are sent to the printer by workstation 10).

Regarding Claim 26: (Original)

Gauthier further discloses the printer in accordance with claim 25, wherein:  
the template attributes are input via a user interface associated with the host system (e.g., As shown in FIG. 1, an image containing text and/or graphics data is created at a workstation 10, using a graphics application program such as Adobe Illustrator.RTM.. As the image is created, the application program displays the image on the workstation screen. When the image is complete and ready to be printed as a

page, the application program generates a specification of the image in PostScript in a conventional manner as described in [0023]).

Regarding Claim 29: (Original)

Gauthier further discloses the printer in accordance with claim 20, wherein:  
the template attributes comprise at least one of number of print fields, print field area, print position, font style, bold font, italic font, underline text, font size, characters per inch, text orientation, image position, image size, print resolution, barcode type, and **COLOR** (These attributes can include the size, font, position, orientation, and location in which the graphic or text data is to appear on the page as described in [0025]).

Regarding Claim 30: (Original)

Gauthier further discloses the printer in accordance with claim 20, wherein:  
said template contains a number of print fields (The merge task 16 retrieves the names of the data fields which are associated with the selected template as described in [0038]; e.g., In the representative merge file 20 shown in FIG. 1, the field names are NAME and NUMBER).

Regarding Claim 31: (Original)

Gauthier further discloses the printer in accordance with claim 30, wherein:  
the number of print fields is configurable (e.g., As the PostScript attributes are defined, they are placed in a stack. When a new attribute is defined, it is added to the top of the stack. When an attribute is deleted, it is removed from the stack. The combination of all of the attributes located in the stack at any point during the execution of the PostScript interpreter 14 constitutes the "current" graphics state for the page as described in [0028]).

Regarding Claim 32: (Original)

Gauthier further discloses the printer in accordance with claim 30, wherein:

template attributes are provided for each print field (e.g., As the PostScript attributes are defined, they are placed in a stack. When a new attribute is defined, it is added to the top of the stack. When an attribute is deleted, it is removed from the stack. The combination of all of the attributes located in the stack at any point during the execution of the PostScript interpreter 14 constitutes the "current" graphics state for the page as described in [0028]).

Regarding Claim 33: (Original)

Gauthier further discloses the printer in accordance with claim 20, wherein:

the print data comprises at least one of text and graphics (As shown in FIG. 1, an image containing text and/or graphics data is created at a workstation 10).

Regarding Claim 34: (Original)

Gauthier further discloses the printer in accordance with claim 20, wherein:

the print data is forwarded from a host system associated with the printer (e.g., After the PostScript file 11 is generated, it is transferred from the workstation 10 to a printer generally designated as 12).

Regarding Claim 37: (Original)

Gauthier further discloses the printer in accordance with claim 20, wherein:

said template attributes include delimiting characters for separating print field data (e.g., the name is enclosed within brackets in the file, such as "<<>>", to enable the control task to identify the data as defining a graphics state rather than being an ordinary data string. Thus, to define the graphics state

"ADDRESS" within the PostScript file 11, the following would appear before a show command in the code:  
"(<<ADDRESS>>)" as described in [0031]).

#### Regarding Claim 38: (Original)

Gauthier further discloses the printer in accordance with claim 37, wherein:  
said delimiting characters are configurable (e.g., the name is enclosed within brackets in the file, such as "<<>>", to enable the control task to identify the data as defining a graphics state rather than being an ordinary data string. Thus, to define the graphics state "ADDRESS" within the PostScript file 11, the following would appear before a show command in the code: "(<<ADDRESS>>)" as described in [0031]).

#### Regarding Claim 40: (Previously Presented)

Gauthier further discloses the printer in accordance with claim 20, further comprising:

means for verifying all template fields are complete prior to printing the composite image (e.g., The list of data strings and associated graphics state names is entered in the job file 18 by the print operator prior to initiating the print job; [0030]);

means for monitoring communications from a host computer (The control task described in [0011] [0013] and [0014]);

wherein, if the template fields are not complete, the means for monitoring monitors the communications from the host computer until additional print data is received and all template fields are complete (At the final line of code, the template is complete and incorporates all of the static text and graphic data that is to appear on the printed document; [0036]).



Regarding Claims 1, 6-7, 10-15, 18-19 and 39:

The Gauthier and Collier references, explained in the rejection of the printer of Claims 20, 25-26, 29-34, 37-38 and 40, renders obvious the steps of the method of Claims 1, 6-7, 10-15, 18-19 and 39 because these steps occur in the operation of the printer as discussed above. Thus, the arguments similar to that presented above for Claims 20, 25-26, 29-34, 37-38 and 40 are equally applicable to Claims 1, 6-7, 10-15, 18-19 and 39.

5. Claims 2, 16-17, 21, and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier in view of Collier and further in view of Sansone (US 6,373,587).

Regarding Claim 21:

Gauthier and Collier discloses substantially the invention of Claim 20 however they do not expressly disclose wherein said printer comprises a ticket printer.

Sansone discloses wherein said printer comprises a ticket printer (FIG. 1, the reference character 11 represents an electronic ticket that may be used for admission to any place, service, or event that current tickets allow admission. Electronic ticket 11 may have been produced by a printer coupled to a computer or by a printer of an electronic postage meter or automatic teller machine (ATM) printer as disclosed in Column 2, line 66 – Column 3, line 4).

Sansone and Gauthier and Collier are combinable because they are from the same field of endeavor of image processing; e.g., all three references disclose methods of printing to static and variable text/graphic fields. At the time of the invention, it would

have been obvious to a person of ordinary skill in the art to have a printer which comprises a ticket printer. The suggestion/motivation for doing so would be because tickets have variable text and data fields for the e.g., event and seat numbers, and it would be advantageous for the user to print a ticket on a nearby printer. The user can obtain a ticket without having to go to a different location such as an airport or a concert venue or wait for the ticket to be delivered. Therefore, it would have been obvious to combine Sansone's method for printing electronic tickets with Gauthier and Collier's merging of data at a printer to obtain the invention as specified to enable the purchaser to print a ticket at home using ordinary paper, a personal computer printer and an internet connection.

Regarding Claim 35: (Original)

Sansone further discloses the printer in accordance with claim 20, wherein:  
the host system comprises one of a cash register, a point of sale terminal, a slot machine, a gaming terminal, a lottery ticket machine, a transportation ticket vending machine, or an entertainment ticket vending machine (e.g., Electronic ticket 11 may have been produced by a printer coupled to a computer or by a printer of an electronic postage meter or automatic teller machine (ATM) printer as described in Column 3, lines 1-4).

Regarding Claim 36: (Original)

Sansone further discloses the printer in accordance with claim 20, wherein:  
the substrate comprises one of a receipt, a lottery ticket, a coupon, a bus ticket, an airplane ticket, a train ticket, a gaming voucher, or a slot machine voucher (e.g., FIG. 1,

the reference character 11 represents an electronic ticket that may be used for admission to any place, service, or event that current tickets allow admission. Electronic ticket 11 may have been produced by a printer coupled to a computer or by a printer of an electronic postage meter or automatic teller machine (ATM) printer as described in Column 2, line 66 – Column 3, line 4).

Regarding Claims 2, 16 and 17:

The proposed combination of Sansone, Gauthier and Collier, explained in the rejection of the printer of Claims 21, 35 and 36, renders obvious the steps of the method of Claims 2, 16 and 17 because these steps occur in the operation of the proposed combination as discussed above. Thus, the arguments similar to that presented above for Claims 21, 35 and 36 are equally applicable to Claims 2, 16 and 17.

6. Claims 8-9, and 27-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier in view of Collier and further in view of Leone et al. (US 2003/0002081) hereinafter 'Leone'.

Regarding Claim 27: (Previously Presented)

Gauthier and Collier disclose substantially the printer of claim 27, however they do not expressly disclose wherein a removable memory device that is insertable into the printer is accessed for its contents.

Leone discloses wherein a removable memory device that is insertable into the printer is accessed for its contents (the printer system apparatus executing steps comprising accessing a portable memory device and then receiving data from the portable memory device; [0020]).

Leone, Gauthier and Collier are combinable because they are from the same field of endeavor of image processing; e.g., all references disclose methods of using templates in a printing apparatus. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to incorporate alternative types of memory devices for use in a printing apparatus. The suggestion/motivation for doing so is to avoid the inconvenience of hooking up cables as disclosed by Leone in the Background of Invention. Therefore, it would have been obvious to combine Gauthier and Collier's method of configuring a template with Leone's portable memory device for a printer to obtain the invention as specified as a means for a convenient durable small sized, lower cost, lower power consumption memory with no moving parts.

Regarding Claim 28: (Original)

Leone further discloses the printer in accordance with claim 27, wherein:  
the removable memory device comprises one of a compact flash card, a smart card, a smart media card, a USB flash drive, a memory stick, or a plug in serial EEPROM (portable memory device 14 of Figure 1; [0029] – [0034]).

Regarding Claims 8 and 9:

The proposed combination of Leone, Gauthier and Collier explained in the rejection of the printer of Claims 27 and 28, renders obvious the steps of the method of claims 8 and 9 because these steps occur in the operation of the proposed combination

as discussed above. Thus, the arguments similar to that presented above for Claims 27 and 28 are equally applicable to Claims 8 and 9.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Dziesietnik et al. (US 6,134,018) discloses a method and apparatus for printing variable data.

### ***Examiner Notes***

8. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neil R. McLean whose telephone number is (571)270-1679. The examiner can normally be reached on Monday through Friday 7:30AM-4:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571.272.7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Neil R. McLean/  
Examiner, Art Unit 2625

/David K Moore/

Supervisory Patent Examiner, Art Unit 2625